

Consensus Building – An Overview

William DeVane Logue

[This overview addresses a wide variety of potential processes and situations. The consensus process for DSS around public/private roles and responsibilities has yet to be fully designed. The outcome from the process will be non-binding; the group will make recommendations within the context of the larger System of Care design process.]

Consensus building is a process that helps groups reach agreements and resolve issues in a manner that respects the interests of all participants. Through the process, a group of stakeholders — those with an interest in the outcome — jointly identify their interests, develop potential solutions and attempt to reach agreement. With all the affected parties involved in the process, stakeholders are able to express their concerns while learning about the needs and concerns of others. The goal is to reach more creative and widely supported agreements than might otherwise be arrived at through traditional “decide and announce,” top down, or voting procedures. Experience has shown that when the stakeholders are involved in designing solutions, they are more likely to support the implementation of those solutions and that the solutions are more creative and workable. The participants to the process bring their knowledge and expertise about the substance of the issues under discussion and are usually assisted by a facilitator or mediator who is expert in managing the process and who keeps a record of the proceedings.

In the public policy arena, a governmental organization or other interested group of stakeholders often convenes the process and brings an initial group together to explore the concept of consensus building. The convener usually sponsors the process and may provide funding for it. The convener may form an ad hoc group of stakeholders to begin to identify the issues and the type of expertise needed from a facilitator. This ad hoc representative group may interview and select the individual or group to assist them with the process.

Once a facilitator or mediator has been engaged, an assessment is conducted to determine if the process is feasible and how to proceed. In this phase, the facilitator interviews stakeholders and gathers information about their interests, including the significant issues, potential obstacles and areas of agreement. It is not unusual for 20 or more interviews to be conducted during this assessment phase. If the issues are amenable to a consensus building process, the assessor makes recommendations about the goals, who should participate, suggests ground rules, summarizes the findings from the assessment and notes whether the outcome will be binding or a set of recommendations to a decision-making authority such as an executive agency or legislature.

After the assessment, representative stakeholders are identified (often by their interest groups) and invited to participate. At the early stages, the role of the facilitator is clarified, agendas set, ground rules established, and rules for observers and other logistical issues are addressed and agreed upon. It is at the next stage that consensus building becomes noticeably different from traditional forms of negotiation. Using a problem-solving approach, the principles of interest-based negotiation are applied. The facilitator assists the stakeholders to be constructive in the negotiations by focusing on interests, active listening, and depersonalizing the dialogue or “separating the people from the problem.”

The participants explore and understand each stakeholder group’s interests and the issues. The stakeholders educate each other and jointly develop information so that all can trust its origins and interpretations. Frequently subcommittees or workgroups break off to address specific topics. Occasionally expert advisers assist with technical and fact-finding tasks. As the stakeholders

explore options, they create value by seeking options that offer mutual gain — essentially enlarging the pie. At this stage, they develop criteria to assess options and avoid committing to specific options.

Next the parties express preferences for options and packages of options. These options are evaluated to determine how well they meet the interests of all parties. Agreements are produced in a variety of ways depending on the situation. Sometimes the facilitator develops an early draft agreement, or a single-text, of the initial proposals to focus discussion and as a means of generating additional ideas. This helps stakeholders gain a sense of the magnitude of agreement and they work through successive drafts to finalize agreement. At other times, the parties will develop and discuss the various options and work on the various parts. In this situation they wait until there is a high level agreement before a draft is produced.

The facilitator helps them work toward unanimity if that is possible. Efforts are made to address the interests of those who are uncomfortable and are withholding support and to resolve or incorporate their concerns. Throughout the process, representative stakeholders are expected to keep their constituencies apprised of the negotiations.

For situations where unanimous support is not achieved, the stakeholder participants may have set in advance a percentage of support to constitute the endorsement of the group. An example of this might be a super majority of two-thirds or three-quarters supporting the agreement.

Once the consensus building group has reached the last stage before final agreement and participants have stated their personal support of the accord with the promise to work towards its implementation, they seek the final input and support of their groups. This can be done through focus groups, stakeholder informational meetings, or town hall-like forums with representative stakeholder groups.

Final changes are made and the agreement is implemented or recommendations are delivered to the decision-maker. Where the agreement is binding, monitoring mechanisms are often included, as are methods for reopening discussions should additional issues or implementation difficulties arise. Where recommendations that are not binding are being delivered, the decision-maker takes them into strong consideration within the context of the larger decisions being made. In this situation, the consensus-building process has provided the stakeholders with an opportunity to speak with a clear voice and at an earlier stage than is usually available to them. The end result is generally an agreement with broad support and a greater understanding and respect by the stakeholders of both their common interests and the richness of their diversity.

William DeVane Logue, J.D., of the Logue Group based in West Hartford, Connecticut, specializes in conflict resolution and assisted decision-making. With 17 years of mediation and facilitation experience, he works with clients in the public and private sectors to creatively craft agreements to build relationships and promote practical solutions to difficult problems. He has served as a consultant to foundations on many social and human service issues and has conducted research on consensus-building and collaboration.